

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

ANNE HUDSON, deceased b/n/f and
husband Leroy Hudson; and LEROY
HUDSON, individually and as personal
representative of the Estate of Anne
Hudson, deceased

v.

CHRYSLER GROUP LLC; NEW
VENTURE GEAR, INC.; NEW
PROCESS GEAR, INC.; MAGNA
SERVICES OF AMERICA, INC.;
DANA HOLDING CORPORATION;
BILL BORUFF AUTOMOTIVE, LLC
d/b/a Bill Boruff Chrysler-Dodge-Jeep-
Ram; BRYAN D. PATTERSON,
individually and d/b/a Charlie's Tire
Store; CHARLIE'S TIRE STORE, INC.;
CEDAR CITY DIESEL AND
AUTOMOTIVE, INC.; and MIRACLE
CHRYSLER PLYMOUTH DODGE,
INC. d/b/a Miracle Chrysler Dodge,
Jeep, Inc.

No. 3-14-0987

CASE MANAGEMENT ORDER # 2

By contemporaneously entered order, the Court has approved and entered the parties' initial case management order, with a slight modification addressed at the initial case management conference held on June 2, 2014. That modification and other matters addressed on June 2, 2014, are as follows:

1. The defendants who have not yet filed answers to the plaintiffs' second amended complaint (Docket Entry No. 27) shall have until June 30, 2014, to file answers.¹

¹ Defendant New Venture Gear, Inc. ("New Venture") has not been served. Plaintiff's counsel advised that New Venture is either in Bankruptcy or is defunct and he represented that the claims against New Venture will be resolved without further attempts to effect service.

2. Prior to June 30, 2014, plaintiffs' counsel shall permit any defendant to informally inspect the drive shaft, CV joints and component parts that are maintained by plaintiff's counsel.² Defendants' counsel and any employee of any defendant or a consulting expert of such defendant shall be permitted to participate in the inspection, which shall consist of visual observation and photographing but shall not be in any way a destructive inspection. Plaintiffs' counsel may include their expert, at their option. Such an inspection shall be without prejudice to at least one additional inspection that will include the parties' designated experts.

3. Counsel for defendant Patterson and Charlie's Tire Store advised that he had drafted a protective order that would preserve the Dodge Ram truck owned and operated by Timothy Filson and that he would circulate the proposed order to counsel in this case and Mr. Filson's counsel.³

4. Any motions relating to fact discovery shall be filed by March 13, 2015.

As provided in the contemporaneously entered order, any dispositive motion shall be filed by October 15, 2015. Any response shall be filed within 21 days of the filing of the motion or by November 5, 2015, if the motion is filed on October 15, 2015. Any reply, if necessary, shall be filed within 14 days of the filing of the response or by November 19, 2015, if the response is filed on November 5, 2015.

No other filings in support of or in opposition to any dispositive motion shall be made after November 19, 2015, except with the express permission of the Honorable Todd J. Campbell.

No party shall file more than one Rule 12 motion to dismiss or more than one Rule 56 motion for summary judgment.

There shall be no stay of discovery before the February 27, 2015, deadline for completion of fact discovery or the October 1, 2015, deadline for completion of expert discovery even if a dispositive motion is filed prior thereto.

² The plaintiffs have already provided the defendants with photographs of the parts at issue.

³ Because defendants have asserted comparative fault against Mr. Filson, plaintiffs' counsel represented that it was likely that it would seek to add Mr. Filson as an additional defendant.

Based on the above deadlines, it is recommended that a jury trial be scheduled no earlier than February 23, 2016. The parties estimate that the trial will last 7-10 business days.

As a housekeeping matter, the Clerk is directed to enter Joseph R. Wheeler for defendants Charlie's Tire Store, Inc. and Bryan D. Patterson, individually and d/b/a Charlie's Tire Store at Cornelius & Collins, LLP, Nashville City Center, 511 Union Street, Suite 1500, P.O. Box 190695, Nashville, TN 37219-0695, with an email address of jrwheeler@cornelius-collins.com.

It is so ORDERED.


JULIET GRIFFIN
United States Magistrate Judge